

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.149

**CRWP-10090-2021
Date of Decision: 21.10.2021**

DHAN SINGH

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Chander Shekhar Singhal, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing
in the light of COVID-19 pandemic.

The present petition has been filed under Section 226 of
Constitution of India for issuance of writ in the nature of habeas
corpus for issuance of direction to respondent No.2 to get the
detenues as detailed in paragraph No.4 of the petition, released from
the illegal detention of respondent Nos.4 to 5.

Reference is made to the Division Bench of this Court in
LPA No.32 of 2013, titled '***Murti versus The State of Punjab and
others***', wherein observations were made as herein given:-

*“It may be mentioned here that the allegations of the
appellant in the writ petition are that the alleged detenues
mentioned in para No.3 of the writ petition who are
working as labourers at the brick kiln of respondent Nos. 4
& 5 are being kept as bonded labours. There can indeed be
no doubt that if a labourer has been detained as bonded
labour, it amounts to an offence under Sections 16 & 17 of*

the Bonded Labour (Abolition) Act, 1976. We, however, clarify that the aforesaid observation does not mean that the allegations levelled by the appellant have been accepted. Suffice it to observe that under the Act, the District Magistrate is under statutory obligation to hold a fact finding enquiry as and when a complaint alleging violation of the provisions of Bonded Labour (Abolition) Act, 1976 is received. Since the appellant in the instant case has specifically averred that the persons mentioned in para No.3 of the writ petition have been detained as bonded labourers, we allow this appeal and set aside/modify the order dated 9.1.2013 passed by the learned Single Judge to the extent that the petitioner's writ petition is disposed of with a direction to the District Magistrate, Sangrur, to treat this writ petition as a complaint under the 1976 Act and take immediate action in accordance with law, within a period of one week from the date of receiving a certified copy of this order alongwith a copy of the writ petition.”

In view of the aforesaid dictum, this Criminal Writ Petition is disposed of with the direction to the District Magistrate, SAS Nagar, Mohali, to treat this petition as complaint and to take immediate action in accordance with law, within a period of one week from the date of receipt of certified copy of this order along with a copy of the writ petition.

(ARCHANA PURI)
JUDGE

21.10.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No